

JUDGE BAER

08 CIV 6486

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-----X
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
 -----X

JOAN SCHWARZ,

Plaintiff,

- against -

FED EX KINKO, INC

Defendant.
 -----X

ECF CASE

___ Civ. ___

NOTICE OF REMOVAL

Defendant FEDEX KINKO'S OFFICE and PRINT SERVICES, INC. i/s/h/a FED EX KINKOS, INC. (hereinafter "FedEx Office"), removes this action from the Supreme Court of the State of New York, New York County to the United States District Court for the Southern District of New York.

1. The plaintiff commenced this action against FEDEX KINKO'S OFFICE and PRINT SERVICES, INC. i/s/h/a FED EX KINKOS, INC. (hereinafter "FedEx Office"), in the Supreme Court of the State of New York, New York County. A copy of the complaint is attached as **Exhibit A**.

2. The plaintiff is a citizen of the State of New York and was a citizen of the State of New York when this action was started in state court.

3. FedEx Office is (and was), a citizen of the State of Texas.

4. The defendant is a citizen of states other than the State of New York and was a citizen of states other than the State of New York when this action was started in state court.

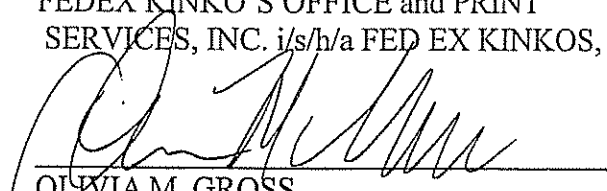
5. The plaintiff seeks damages in excess of \$75,000 exclusive of interest and costs and sought damages in excess of \$75,000 when this action was started in state court (the plaintiff made a settlement demand well in excess of \$75,000).

6. This court has subject-matter jurisdiction over this action under section 1332(a)(1) of the Judicial Code, 28 U.S.C. § 1332(a)(1), because this action—both now and when it was started in state court—is between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs.

7. The defendant may, under section 1441(a) of the Judicial Code, 28 U.S.C. § 1441(a), remove this action to this court because this is a civil action of which the district courts of the United States have original jurisdiction that is brought in a state court

Dated: New York, New York
July 21, 2008

NEWMAN FITCH ALTHEIM MYERS, P.C.
Attorneys for Defendant
FEDEX KINKO'S OFFICE and PRINT
SERVICES, INC. i/s/h/a FED EX KINKOS, INC.



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TO:
SALZMAN & WINER, LLP
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305 Broadway – Suite 1204
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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
:ss:
COUNTY OF NEW YORK)

BETH JAFFE, being duly sworn, deposes and says:

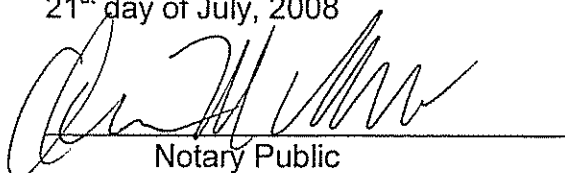
I am not a party to this action, I am over 18 years of age and I reside at Queens, New York.

On July 21, 2008, I served the within Notice of Removal, upon the attorneys listed below at the address designated by said attorneys and for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

TO:
SALZMAN & WINER, LLP
Attorneys for Plaintiff
305 Broadway – Suite 1204
New York, New York 10007
(212) 233-6550


BETH JAFFE

Sworn to before me this
21st day of July, 2008


Notary Public

Olivia M. Gross
Notary Public, State of New York
No. 02GR4860934
Qualified in Nassau County
Commission Expires May 5, 2010